

January 10, 2003

Mr. Michael M. Corletti
AP600 & AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

SUBJECT: AP1000 - REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE (AW-02-1576, AW-02-1583, AND AW-02-1584)

Dear Mr. Corletti:

By letter dated November 15, 2002, you submitted a response to request for additional information (RAI) 440.173; by letter dated November 26, 2002, you submitted responses to RAIs 440.161, 440.165, 440.177, and 440.178; and by letter dated December 2, 2002, you submitted a response to RAI 440.162. With these letters you submitted applications and affidavits dated November 15, 2002 (AW-02-1576, executed by Mr. H. A. Sepp), November 26, 2002 (AW-02-1583, executed by Mr. James Winters), and December 2, 2002 (AW-02-1584, executed by Mr. James Winters), respectively, and requested that the information be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.790. Nonproprietary copies of these RAI responses have been placed in the Nuclear Regulatory Commission (NRC) public document room and added to the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room.

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- (1) the information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where prevention of its use by any of Westinghouse's competitors without a license from Westinghouse constitutes a competitive advantage over other companies (AW-02-1576, AW-02-1583, and AW-02-1584),
- (2) the information consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage, e.g., by optimization or improved marketability (AW-02-1584), and
- (3) use of the information by a competitor would reduce his expenditure of resources or improve his competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product (AW-02-1576, AW-02-1583, and AW-02-1584).

We have reviewed your applications and the material in accordance with the requirements of 10 CFR 2.790 and on the basis of your statements, have determined that the submitted information sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the versions of the submitted information marked as

proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-3053 and ljb@nrc.gov.

Sincerely,

/RA/

Lawrence J. Burkhart, AP1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-3053 and ljb@nrc.gov.

Sincerely,

/RA/

Lawrence J. Burkhart, AP1000 Project Manager
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

Distribution
HARD COPY
NRLPO R/F
L. Burkhart
M. Gamberoni

E-MAIL
PUBLIC
J. Moore, OGC
M. Siemien, OGC
J. Wermiel
Y. Hsii
W. Jensen
S. Bajorek

R. Caruso
F. Akstulewicz

ACCESSION NUMBER: ML023500089

OFFICE	NRLPO/PM	SRXB/BC	OGC	NRLPO/DD
NAME	LBurkhart	JWermiel	MPSiemen	MGamberoni-JNW for:
DATE	12/16/02	12/16/02	12/31/02	1/7/03

OFFICIAL RECORD COPY

AP 1000

cc:

Mr. W. Edward Cummins
AP600 and AP1000 Projects
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. H. A. Sepp
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230

Lynn Connor
Doc-Search Associates
2211 SW 1ST Ave - #1502
Portland, OR 97201

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street 44th Floor
Pittsburgh, PA 15219

Mr. Ed Rodwell, Manager
Advanced Nuclear Plants' Systems
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

Charles Brinkman, Director
Washington Operations
Westinghouse Electric Company
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Mr. R. Simard
Nuclear Energy Institute
1776 I Street NW
Suite 400
Washington, DC 20006

Mr. Thomas P. Miller
U.S. Department of Energy
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW., Suite 404
Washington, DC 20036

Mr. Tom Clements
6703 Guide Avenue
Takoma Park, MD 20912

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Mr. Ed Wallace, General Manager
Project Management
Lake Buena Vista Bldg., 3rd Floor
1267 Gordon Hood Avenue
Centurion 0046
Republic of South Africa
PO Box 9396 Centurion 0046

Mr. Vince Langman
Licensing Manager
Atomic Energy of Canada Limited
2251 Speakman Drive
Mississauga, Ontario
Canada L5K 1B2

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704

Dr. Gail H. Marcus
U.S. Department of Energy
Room 5A-143
1000 Independence Ave., SW
Washington, DC 20585

Mr. Edwin Lyman
Nuclear Control Institute
1000 Connecticut Avenue, NW
Suite 410
Washington, DC 20036

Mr. Jack W. Roe
SCIENTECH, INC.
910 Clopper Road
Gaithersburg, MD 20878

Patricia Campbell
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Mr. David Ritter
Research Associate on Nuclear Energy
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003